

REMARKS

Claims 3-7, 16-20, 29-33, and 41 are currently pending in the application. Claims 3-7, 16-20, 29-33, and 41 have been amended.

On page 2 of the Office Action, claims 3-7, 16-20, 29-33, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0062244 (Brady) in view of U.S. Patent Publication No. 2003/0055707 (Busche).

Brady discloses an apparatus and method for use when arranging a presentation session, which may be an advertising, selling, sales promoting or educational campaign directed to a plurality of users. The apparatus collects (or the method is for collecting) information about campaign, capacity of various locations, characteristics of locations and characteristics of users of those locations. Thus, collected information may be used for negotiating a contract amount for holding such a campaign.

Busche is directed to a method and system for ascertaining a favorable positing of products within a retailer shop space. The locations of products in a retail space are determined with a position identifying system, such as a global positioning system, a local positioning system, or an enhanced global positioning system when the products are stocked within the retail space. The paths of customers through the retail space are also determined with the position identifying system. These paths may be sensed and recorded with a device that stores a position identifier broadcast by the position identifying system. Customers may be identified based on financial transaction databases or other identifying data. The products chosen for purchase by the customers are identified, and the locations of the chosen products within the retail space are associated with the paths of the customers through the retail space to form a set of spatial relationships.

The present invention is directed to a system for collecting payments from operators of service providing facilities as rewards for providing relevant data contents to potential customers of the service facilities, in which, in particular, the system uses a string of data (a data script) that has been prepared in a prescribed specification format and comprises a series of place specific data segments, each containing identities of facilities located at a specific place and a data content to be selectively provided to the potential customers by selecting the data content depending on where and at which time of a day the data content is provided.

Applicants respectfully submit that the feature of the present invention in which the place specific data segment is provided to customers and includes identities of facilities located at a specific place and an associated data content to be provided to the customers and payments are collected from operators of the facilities of which the identities are included in the place specific data segment, as recited in the claims of the present invention, is not taught or suggested by the references.

Although Brady discloses locations that will participate in campaigns, Brady does not disclose or suggest associated data content to be provided to customers. Similarly, although Busche discloses locations of products within a retail space, Busche does not disclose or suggest associated data content to be provided to customers.

Therefore, claims 3-7, 16-20, 29-33, and 41 are patentable over the references, as neither Brady nor Busche, alone or in combination, teaches or suggests facility data including identities of facilities located at a specific place and an associated data content.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of the Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

11/14/06

By:


Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501